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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 XAVIER MARQUEZ LITTLE,
11 Plaintiff,
12 v.
13 CAROLYN W. COLVIN,
14 Commissioner of Social Security,
15 Defendant.

Civil No. 14-cv-2111-LAB (DHB)

**ORDER GRANTING
PLAINTIFF'S MOTION TO
PROCEED *IN FORMA PAUPERIS*
[ECF No. 2]**

16 On September 5, 2014, Plaintiff Xavier Marquez Little ("Plaintiff") filed a
17 complaint seeking judicial review of Defendant's denial of disability benefits under the
18 Social Security Act. (ECF No. 1.) Plaintiff has also filed a motion for leave to proceed
19 *in forma pauperis* ("IFP"). (ECF No. 2.)

20 All parties instituting any civil action, suit or proceeding in a district court of the
21 United States, except an application for writ of habeas corpus, are required to pay a \$350
22 filing fee. *See* 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure
23 to prepay the entire fee only if the plaintiff is granted leave to proceed *in forma pauperis*
24 ("IFP") pursuant to 28 U.S.C. § 1915(a). *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th
25 Cir. 1999). Pursuant to 28 U.S.C. § 1915(a), a court may authorize the commencement
26 of a suit without prepayment of fees if the plaintiff submits an affidavit, including a
27 statement of all assets, showing that he is unable to pay filing fees. *See* 28 U.S.C.
28 §1915(a).

1 In the present case, having reviewed Plaintiff's motion and declaration in support
2 of the motion, the Court finds that Plaintiff has made a sufficient showing of inability to
3 pay the required filing fees. *See Rodriguez*, 169 F.3d at 1177.

4 Any complaint filed pursuant to the IFP provisions of 28 U.S.C. § 1915(a), is also
5 subject to a mandatory and *sua sponte* review and dismissal by the Court, if it finds the
6 complaint is "frivolous, malicious, failing to state a claim upon which relief may be
7 granted, or seeking monetary relief from a defendant immune from such relief." 28
8 U.S.C. § 1915(e)(2)(B); *Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001) ("[T]he
9 provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners."). Having
10 conducted its initial review of Plaintiff's complaint, the Court finds it sufficient to survive
11 the *sua sponte* screening provisions of § 1915(e)(2).

12 Accordingly, for good cause shown, IT IS HEREBY ORDERED as follows:

- 13 1. Plaintiff's motion for leave to proceed IFP is **GRANTED**.
- 14 2. The United States Marshal shall serve a copy of the complaint, summons,
15 and this Order granting Plaintiff leave to proceed IFP upon Defendant as
16 directed by Plaintiff on U.S. Marshal Form 285. All costs of service shall
17 be advanced by the United States.
- 18 3. Defendant shall respond to the Complaint within the time provided by the
19 applicable provisions of the Federal Rules of Civil Procedure.

20 **IT IS SO ORDERED.**

21 DATED: December 2, 2014

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23 DAVID H. BARTICK
24 United States Magistrate Judge
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